IN THE HIGH COURT OF JUDICATURE AT BILASPUR

W.P. 2255 /2004

PETITIONER : Nanki Bai Rajak, aged about 31 years, W/o. Late Shri Ganesh Lal Rajak, Occupation: House wife, R/o. Behind Block Office, Baloda, District Janjgir Champa, Chhattisgarh

VERSUS

RESPONDENTS :1. State of Chhattisgarh, Through: The Secretary, Department of Energy, DKS Bhawan, Mantralaya, Raipur, Chhattisgarh

2. State of Madhya Pradesh, Through: The Secretary, Department of Energy, Vallabh Bhawan, Bhopal, M.P.

3. Chhattisgarh State Electricity Board, Board Headquarters Raipur, Chhattisgarh

4. Madhya Pradesh Electricity Board, Board Headquarters, Rampur Jabalpur, MP.

5. The Chief Engineer, Chhattisgarh State Electricity Board, Bilaspur, District Bilaspur, Chhattisgarh

6. The Additional Secretary (Personal), Chhattisgarh State Electricity Board, Raipur, Chhattisgarh

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF IN

C-8 1002

IN THE HIGH COURT OF JUDICATURE AT

Respondent No.(7) Union of India,
Through The Chief Secaratery
Department of Personal and Traning
and public Grivances
Shastri Marg New Delhi.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

1148

आदेश पत्रक

मामला क्रमांक W.P.2255/ सन् 2004

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	7-7-2006 Mr. Sanjay Ku. Agrawal, counsel for the petitioner. Mr. A.S. Kachhawaha, Govt. Advocate for the State/respondent No.1. Mr. A.S. Gaharwar with Mr. Pawan Shrivastava, counsel for respondents No.3, 5 & 6. Mr. Vivek Verma, counsel for respondents No.2 & 4. Mr. S.K. Beriwal, Central Govt. Counsel for Union of India/respondent No.7. Heard. By this writ petition under Article 226/227 of the Constitution of India, the petitioner has prayed for a direction to the respondents to consider the case of the petitioner for compassionate appointment. The case of the petitioner is that husband of the petitioner Late Ganesh Lal Rajak was working as Electrician and he was posted as Work-charged Assistant Grade-II (Line) at Malkharoda, Sakti. Copy of the appointment order is Annexure P-1. The petitioner's husband died in harness on 21-3-2000. Copy of the death certificate is Annexure P-2. The petitioner applied for compassionate appointment, but the same is not being considered. The petitioner is facing hardship, as she is on the verge of starvation. Her two children aged about 11 & 13 years are studying in Class-VII & Class-VIII, respectively. Reply filed on behalf of CSEB is that CSEB is considering the cases of dependants of those employees who died on or after 15-11-2000, as per the existing policy for compassionate appointment dated 28-2-2004. Having heard learned counsel for the parties, I have perused the record. Annexure P-3 is the letter written by the Superintending Engineer of CSEB dated 15th October, 2001 in which it has been mentioned that the	

(पीछे देखिये)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(149)

आदेश पत्रक

मामला क्रमांक W.P.2255/ **सन्** **2004**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	application of the petitioner for compassionate appointment was forwarded to the headquarter. As far as the question regarding considering the cases of compassionate appointment of those employees who died on or after 15-11-2000 is concerned, after reorganisation of the State, the State of Chhattisgarh came into existence on 1-11-2000 and thereafter, MPEB was bifurcated with effect from 15-11-2000, therefore, the Board has taken a decision that the dependants of those employees who died on or after 15-11-2000 shall be considered for compassionate appointment. Under sub-section (4) of Section 58 of the M.P. Reorganisation Act, 2000, the assets and liabilities and employees of undivided Board were to be distributed among MPEB and CSEB. Vide order dated 6th January, 2004, Government of India, Ministry of Power, issued an order in which it has been mentioned that representatives of both the States agreed in a meeting taken by the Secretary (Power) on 20th March, 2003, that the division of employees would be in line with policy adopted for division of employees of MP Government. In para 2, it has been mentioned that the matter has been considered and in partial modification of provisional order dated 12th April, 2001, so far as relating to the division of employees it has been decided finally to divide the posts and employees on the lines followed by DOPT for allocation of post and employees of the State Government of erstwhile Madhya Pradesh for making allocation of posts and persons to the successor Electricity Board of MPEB on the principle that posts relatable to territorial jurisdiction of a successor State may be allotted to respective States and similarly employees belonging to such sub State territorial cadres being allocated to concerned State and only dividing the remaining posts and employees between the two States.	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

(150)

मामला क्रमांक W.P.2255/ **सन्** **200** 4

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Therefore, as per the above direction of Central Government, the employees of erstwhile MPEB are to be distributed according to the territorial jurisdiction of CSEB & MPEB. No doubt, the petitioner's husband was working at Sakti, District: Bilaspur, State of Chhattisgarh. On the day of his death on 21-3-2000, he was working in the territorial jurisdiction of CSEB, as such, as per the above decision his services were to be allocated to the State of Chhattisgarh. Those employees who were working in the new territory of CSEB are not entitled for compassionate appointment from MPEB, as they were working in the territory of CSEB. Therefore, on this line, the stand taken by CSEB that only the dependants of those employees who died on or after 15-11-2000 i.e. the date of creation of CSEB cannot be said to be valid, and the same is not based on rational because the employees of erstwhile MPEB have been allocated as per the territory of respective Boards. Therefore, the responsibility of an employee who died before bifurcation lies on the new Board in whose territory he was working. Even the State of Chhattisgarh which was created under the M.P. Reorganisation Act, 2000, on 1-11-2000 has decided that the dependants of those employees who died on or after 1-11-1997 shall be entitled for compassionate appointment.

Therefore, the respondents are directed to consider the case of the petitioner for compassionate appointment, in accordance with the policy in existence.

With the direction aforesaid, the petition stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

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